

Order

Michigan Supreme Court
Lansing, Michigan

March 25, 2015

Robert P. Young, Jr.,
Chief Justice

149372

Stephen J. Markman
Mary Beth Kelly
Brian K. Zahra
Bridget M. McCormack
David F. Viviano
Richard H. Bernstein,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 149372
COA: 279161
Kent CC: 06-003485-FC

DENNIS LEE TOMASIK,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 22, 2014 judgment of the Court of Appeals is considered, and it is GRANTED. The parties shall include among the issues to be briefed: (1) whether the Kent Circuit Court erred by admitting the entire recording of the defendant's interrogation in light of *People v Musser*, 494 Mich 337 (2013), and, if so, whether admission of the evidence amounted to plain error; (2) whether the trial court erred in admitting Thomas Cottrell's expert testimony regarding child sexual abuse accommodation syndrome under current MRE 702, and *People v Kowalski*, 492 Mich 106 (2012), and, if so, whether admission of the testimony amounted to plain error; and (3) whether the trial court erred in denying the defendant's motion for a new trial based on the newly disclosed impeachment evidence of the March 26, 2003 report authored by Timothy Zwart and the March 1, 2003 form completed by Denise Joseph-Enders in light of *People v Grissom*, 492 Mich 296 (2012).

The Prosecuting Attorneys Association of Michigan and the Criminal Defense Attorneys of Michigan are invited to file briefs amicus curiae. Other persons or groups interested in the determination of the issues presented in this case may move the Court for permission to file briefs amicus curiae.



s0318

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 25, 2015


Clerk